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OFFICE OF THE AUDITOR GENERAL



THOMAS H. MCTAVISH, C.P.A.
AUDITOR GENERAL

“...The auditor general shall conduct post audits of financial transactions and accounts of the state and of all branches, departments, offices, boards, commissions, agencies, authorities and institutions of the state established by this constitution or by law, and performance post audits thereof.”

– Article IV, Section 53 of the Michigan Constitution

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AUDITOR GENERAL

September 27, 2005

Colonel Tadarial J. Sturdivant, Director
Michigan Department of State Police
714 South Harrison Road
East Lansing, Michigan

Dear Colonel Sturdivant:

This is our report on our follow-up of the 2 material findings (Findings 1 and 3) and 2 corresponding recommendations reported in the performance audit of the Criminal Justice Information Center, Michigan Department of State Police. That audit report was issued and distributed in February 2003; however, additional copies are available on request or at <<http://www.audgen.michigan.gov>>.

Our follow-up disclosed that the Michigan Department of State Police has initiated corrective action and has partially complied with 1 recommendation and has complied with 1 recommendation.

If you have any questions, please call me or Scott M. Strong, C.P.A., C.I.A., Deputy Auditor General.

Sincerely,

A handwritten signature in black ink, reading "Thomas H. McTavish".

Thomas H. McTavish, C.P.A.
Auditor General

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CRIMINAL JUSTICE INFORMATION CENTER MICHIGAN DEPARTMENT OF STATE POLICE FOLLOW-UP REPORT

INTRODUCTION

This report contains the results of our follow-up of the material findings and corresponding recommendations and the agency's preliminary response as reported in our performance audit report of the Criminal Justice Information Center (CJIC), Michigan Department of State Police (MSP) (#5513002), which was issued and distributed in February 2003. That audit report included 2 material findings (Findings 1 and 3) and 3 other reportable conditions.

PURPOSE OF FOLLOW-UP

The purpose of this follow-up was to determine whether MSP has taken appropriate corrective measures in response to the 2 material findings and 2 corresponding recommendations.

BACKGROUND

The purpose of CJIC is to provide accurate, comprehensive, and timely information and analysis for criminal justice and public safety purposes. CJIC is committed to ensuring the accessibility and utility of data for all users, while maintaining the integrity of all records through training and quality control.

CJIC maintains records of arrest information in its computerized Criminal History Records System (CHRS). CHRS is a database that contains Statewide information on arrests, including fingerprints, reported by law enforcement agencies and the disposition of those arrests reported by local courts. CHRS provides arrest and disposition information to law enforcement agencies, courts, and other users. Courts enter criminal case dispositions into CHRS by an electronic data transfer or by mail for manual entry by CJIC personnel. CHRS involves input and access by local staff in over 700 law

enforcement agencies; 240 circuit, district, and probate courts; 83 county prosecuting attorneys; jails; and prisons. Law enforcement agencies use CHRS to perform their duties. Local courts use CHRS to make decisions on bonding, sentencing, and probation. Complete and current criminal records are critical for the State's network of criminal justice agencies to be effective and efficient.

CJIC also maintains the records of the Injunctive Order Records System (IORS). IORS includes injunctive orders issued by courts. These specific court orders are for individuals required to undergo involuntary hospitalization or treatment or a program of combined hospitalization and treatment, individuals subject to a personal protection order, and individuals determined to be legally incapacitated. These types of court orders disqualify certain individuals from obtaining a license to purchase, carry, or transport a pistol, including a concealed pistol.

In order to ensure complete, accurate, and timely criminal history, the Criminal Justice Information System Policy Council has established a moratorium date of September 2006 to discontinue the acceptance of paper fingerprint cards, charge information, and court dispositions by CJIC. After that date, all data must be electronically submitted.

SCOPE

Our fieldwork was conducted during June 2005. We interviewed MSP and State Court Administrative Office (SCAO) personnel to determine the status of compliance with our recommendations for Findings 1 and 3 from our performance audit of the Criminal Justice Information Center, Michigan Department of State Police, issued in February 2003. We reviewed procedure manuals, the related information on the Internet, grant agreements, memorandums, reports, and statistics.

FOLLOW-UP RESULTS

ACCURACY OF CRIMINAL JUSTICE INFORMATION

RECOMMENDATION AND RESPONSE AS REPORTED IN FEBRUARY 2003:

1. Accuracy of Criminal Justice Information

RECOMMENDATION

We recommend that MSP, in conjunction with the SCAO and other relevant agencies, develop sufficient controls to ensure the accuracy of criminal justice information in CHRS and IORS.

AGENCY PRELIMINARY RESPONSE

MSP and the SCAO agree that it is important to maintain the accuracy of criminal justice information required to be in CHRS and IORS. Understanding that the criminal history reporting system has many steps, MSP and the SCAO will collaborate with all relevant agencies, including prosecutors and local law enforcement, to improve the system.

MSP and the SCAO informed us that they are currently working on several initiatives aimed at improving the criminal history reporting system. First, MSP continues to pursue the Criminal History Record Enhancement Project, which is a transition from the current mainframe-based CHRS to a server-based system. This new system will allow for greater flexibility in electronic submissions from law enforcement and courts, for enhanced status monitoring, and for separate electronic submission of sentence enhancements. Second, the SCAO, using federal National Criminal History Improvement Program (NCHIP) funds made available through MSP, continues to develop a Judicial Network Project (JNP), which will enable courts to submit disposition and other information electronically. Third, MSP and local law enforcement continue to promote the use of live scan to electronically capture fingerprint and arrest data. Fourth, the SCAO continues to monitor courts' compliance with reporting requirements and to assist courts with compliance, employing, among other things, training and the development of court-specific case disposition checklists. Fifth, MSP continues to provide courts with quarterly printouts of missing court case dispositions, noting that the printouts have proven effective, with 70% of courts reporting missing data. Sixth, MSP and the SCAO will work together to better coordinate the various State initiatives to improve

the criminal history records system, including the Criminal Justice Records Improvement Task Force and the Criminal Justice Information Systems Policy Council's Integration Committee. MSP and the SCAO believe that these initiatives will lead to more timely, accurate, and complete criminal justice records.

FOLLOW-UP CONCLUSION

We concluded that MSP has initiated corrective action and has partially complied with this recommendation.

MSP identified six initiatives in its preliminary response aimed at improving its criminal history reporting system. We followed up on the status of the identified initiatives:

- a. As of June 2005, MSP was testing the Criminal History Record Enhancement Project with plans to make it available to all users by the end of September 2005. MSP is also developing internal reports that will identify trends that may indicate inconsistencies with the electronic data submitted. MSP plans to address the sentence enhancements with the first upgrade to the project.
- b. As of March 2005, 70 (84%) out of 83 counties submitted adult felony dispositions electronically compared to 52 (63%) in March 2003. Also, approximately 98% of all adult felony dispositions were submitted electronically during March 2005.
- c. Fingerprints submitted using live scan increased from approximately 16,000 (43%) in February 2003 to approximately 30,000 (65%) in May 2005. The Criminal Justice Information Systems Policy Council approved a moratorium on the submission of paper fingerprint cards effective September 2006.
- d. The SCAO utilizes MSP-generated reports on how many dispositions each court reports electronically to follow up on trends that may identify reporting problems within the courts. MSP and the SCAO are working with the law enforcement agencies, prosecuting attorneys, and courts in educating all entities on the roles and needs that each entity plays in the process in order to create a complete criminal history record.

- e. MSP provided courts with missing court case dispositions through January 2005. MSP discontinued distributing the reports to the courts after MSP identified that many of the missing court case dispositions were in the backlog at MSP. When the new system is in place and there is no longer a backlog of dispositions, MSP intends to redistribute the reports.
- f. MSP and the SCAO are collaborating through the Criminal History Automation Project (CHAP) to improve accuracy and timeliness of local criminal history records processing. The CHAP project staff facilitate Statewide and county based meetings that bring together law enforcement agencies, prosecuting attorneys, and court staff to educate them on the roles and needs that each entity plays in the process in order to create a complete criminal history record.

RECOMMENDATION AND RESPONSE AS REPORTED IN FEBRUARY 2003:

3. Carrying a Concealed Weapon (CCW) Statute

RECOMMENDATION

We recommend that CJIC, after consulting with other affected agencies, seek amendatory legislation to resolve the conflict that exists between the criminal justice records that are required by statute to be reported to CJIC and the criminal justice records that are necessary to accurately determine the qualifications of CCW license applicants.

AGENCY PRELIMINARY RESPONSE

MSP agrees with this finding. MSP is developing a new procedure involving preprinted fingerprint cards with a tracking number so that criminal justice agencies can more easily submit information on these cases to CHRS. MSP is also exploring the possibility of amendatory legislation concerning the differences in reportable and nonreportable offenses for obtaining a CCW license.

FOLLOW-UP CONCLUSION

We concluded that MSP has complied with this recommendation.

MSP presented the CCW legislative changes to the Governor's Office and they are seeking a sponsor. MSP also requested that all law enforcement agencies submit for inclusion in CHRS misdemeanors that are punishable by less than 93 days and that would prohibit an individual from receiving a CCW license.

